

Mr. Potter offered the following as an amendment to come in after "Geologist," in line 3, Section 1 :

Who shall hold his office for two years, and until his successor shall be appointed and qualified ; and

On motion of Mr. Quinan, the amendment was amended by adding after "qualified," unless removed by the Governor for neglect to perform the duties of his office, or for malfeasance in office ; adopted.

The amendment offered by Mr. Potter was then adopted.

On motion of Mr. Potter, the bill was further amended by adding to Section 1 :

And before entering upon the discharge of the duties of his office, he shall enter into bond with security, to be approved by the Governor, in the sum of twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Mr. Stockdale offered the following amendment to come in as an independent Section :

That said State Geologist shall keep his office at the city of Austin, but shall not be required to remain in said office except as his duties allow ; and shall keep in said office, such specimens as he shall deem necessary to convey to such office. And such Geologist shall make a report to the Legislature, at its regular sessions, of his surveys, explorations and examinations into the mineral and other natural resources of the State, its climate and Agricultural adaptability, accompanied by illustrated maps, charts and drawings, with reference to the same ; which report shall be the exclusive property of the State ; *Provided*, however, that the said Geologist shall not be prohibited from publishing any such facts, maps, charts and drawings, which it is made his duty to report.

Pending which, on motion of Mr. Britton, the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, November 28, 1857.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Grimes presented the memorial of the Baptist Publication Society ; referred to the committee on the Judiciary.

Mr. Erath presented the petition of the County Court of Bosque county; referred to the committee on State Affairs.

Mr. Pirkey presented the memorial of the Memphis, El Paso and Pacific Railroad Company; referred to the committee on Internal Improvements.

Mr. Lott presented the memorial of D. P. Fowler; referred to the committee on State Affairs.

Mr. Fall, from the committee on Engrossed Bills, reported a bill for the relief of Helena Eggeling, and a bill permanently to locate the seat of justice of Angelina county, correctly engrossed.

Mr. Taylor of Houston, chairman of the committee on Enrolled bills, reported—

A bill to authorize and require all forced sales of real estate and negroes, and sales of real estate or negroes, made by executors and administrators, in the county of Travis, to be made on Congress Avenue, at the corner of Block No. 70;

A bill supplemental to an act to provide for the location, sale and settlement of the Mississippi and Pacific Railroad Reserve; and

A bill for the relief of the legal representatives of Eli Hart, deceased, correctly enrolled, properly signed, and that the same had been presented to the Governor for his approval.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred a bill to repeal the 8th section of an act to provide for the assessment and collection of taxes, have considered the same, and think its passage inadvisable.

This section authorizes the owner of taxable property in other counties to give in and pay taxes upon the same in the county in which he resides. This act has been in successful operation for more than seven years. Though some objections exist to the law, yet your committee are of the opinion that to repeal this section, and require tax payers to render and pay their taxes upon their property in the county where the same lies, would be still more objectionable. It appears from the Comptroller's report, that the citizens of some of the counties have given in for taxation more lands lying out of their county than is contained in the county. An abstract of the titled lands in each county is required by law to be furnished to each Assessor and Collector by the Commissioner of

the General Land Office, which has been done at considerable expense by the State, and will enable the Assessor to assess all the titled land within his county. We admit that the adjustment of the county taxes among the several counties is attended with some trouble and perplexity to the officers in the Comptroller's Department; but this labor devolves upon a few individuals who are paid by the State for their labor. To repeal this section and require each tax payer to give in and pay his taxes in the county where the property lies, would be attended with much trouble and expense, and would be truly annoying to the great mass of our citizens, from which the revenue is raised to support the Government of the State. Your committee therefore recommend that no further action be had on the bill.

Mr. Herbert, from the Joint committee to inquire into the expediency of furnishing relief to the counties which have failed to make crops for the last two years, made the following report :

Your committee having inquired into the expediency and necessity of the State furnishing aid to the counties which have failed making crops of corn for the last two years, report the accompanying bill and recommend its passage.

A bill for the relief of certain counties therein named ; read first time.

On motion of Mr. Herbert, the rule was suspended, the bill taken up, read second time and made the special order for Wednesday next, the 2d of December, and 100 copies ordered to be printed.

Mr. Maverick moved a reconsideration of the vote taken on yesterday, ordering the engrossment of a bill to locate permanently the seat of justice of Angelina county ; lost by the following vote :

YEAS—Messrs. Erath, Guinn, Hyde, Maverick, Pirkey, Potter, Scarborough, Stockdale, Taylor of Cass, Truitt, Walker and Wigfall—12.

NAYS—Messrs. Britton, Burroughs, Caldwell, Fall, Graham, Grimes, Herbert, Lott, Martin, Pedigo, Quinan, Shepard, Taylor of Houston and Throckmorton—14.

Mr. Burroughs introduced a bill for the relief of Sarah Usory ; read first and second times and referred to the committee on Private Land Claims.

Mr. Shepard introduced a bill supplemental to an act to incorporate the Washington County Railroad Company, ap-

proved February 2d, 1856 ; read first and second times and referred to the committee on Internal Improvements.

Mr. Potter introduced a bill supplemental to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas, approved August 28th, 1856 ; read first and second times and referred to the committee on the Judiciary.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to be entitled an act supplementary to and amendatory of an act entitled an act to regulate Railroad companies, approved February 7th, 1853, have had the same under consideration, and instruct me to report the same back to the Senate, with the following amendments, and recommend the adoption of the amendments and the passage of the bill.

Strike out the 5th and 6th sections of the bill, and substitute therefor the accompanying as section 5, section 6, section 7, section 8, section 9, and make section 7 section 10.

Strike out section 8 in the bill, and substitute therefor the accompanying, marked section 11.

Strike out of the ninth section in the bill the words "or the act to which this is supplementary and amendatory."

Amend by numbering the sections in proper order.

Substitute for Section 5th.

The road-bed, track and franchise, and chartered rights and privileges of any Railroad company in this State, shall be subject for the payment of the debts and legal liabilities of said company, and may be sold in satisfaction of the same ; but the said road-bed, track, franchise and chartered powers and privileges, shall be deemed an entire thing, and must be sold as such ; and in case of the sale of the same, whether by virtue of an execution, order of sale, deed of trust, or any other power, the purchaser or purchasers, at such sale, and their associates shall be entitled to have and exercise all the powers, privileges and franchises, granted to said company by its charter, or by virtue of the general laws, and the said purchaser and purchasers, and their associates, shall be deemed and taken to be the true owners of said charter, and corporators under the same, and vested with all the powers, rights and privileges and benefits thereof, in the same manner and to the same extent as if they were the original corporators of said

company, and shall have power to construct, complete, equip, and work the road upon the same terms and under the same conditions and restrictions as are imposed by their charter and the general laws of this State.

Substitute for Section 6.

Whenever a sale of the road-bed, track, franchise and chartered rights and privileges of any Railroad company is made by virtue of any deed of trust, or power, the same shall be made at the time and place mentioned in the deed of trust, or power, and in accordance with the provisions of the same, as to notice, and in other respects; and if the same be not specified, such sale shall be made as hereafter provided for sales under execution or order of sale.

Substitute for Section 7th.

Whenever judgment is rendered against any Railroad company, the party in whose favor such judgment is rendered may have execution thereon, directed to the Sheriff of that county in which the principal office of said company is kept; and if the said company fail to point out other property to satisfy said execution, said Sheriff may at the request of the plaintiff levy the same upon the road-bed, track, franchise and chartered powers and privileges of said company, and said levy shall be held to embrace the whole road-bed and track, and entire line of said railroad, whether situated in the same county or not; and he shall proceed to advertise and sell the same at the Court House door of his county, as in other cases, making the same advertisement as is provided by law in cases of the sale of lands, and upon said sale shall execute to the purchasers a conveyance of the said road-bed, track, franchise and chartered powers, rights and privileges, and the provisions of this section shall be observed so far as they are applicable in all cases where by any decree of a competent court a sale of the road-bed, track, franchise and chartered rights of any Railroad company, is directed to be sold; and provided this section shall not be so construed as to prevent the issuance of execution to another county than that in which judgment is rendered, without first selling the said road-bed, franchise and chartered powers.

Substitute for Section 8.

The sale of the road-bed, track, franchise and chartered rights as hereinbefore provided, shall not be held to pass or convey to the purchaser any right or claim to recover from the

former stockholders of said company any sums which may remain due upon their subscriptions of stock ; but the said stockholders shall continue liable to pay the same in discharge and liquidation of the debts due by the sold-out company as hereinafter provided.

Substitute for Section 9.

Whenever the sale of the road-bed, track, franchise, and chartered powers and privileges, made as hereinbefore provided, (unless other persons shall be appointed by the Legislature, or by some court of competent authority,) the directors or managers of the sold-out company, at the time of the sale, by whatever name they may be known in law, shall be trustees of the creditors and stockholders of the sold-out company, and shall have full power to settle the affairs of the sold-out company, collect and pay the outstanding debts, and divide among the stockholders the money and other property that shall remain after the payment of the debts and necessary expenses ; and the persons so constituted trustees, shall have authority to sue by the name of the trustees of such sold-out company, and may be sued as such, and shall be jointly and severally responsible to the creditors and stockholders of such company to the extent of its property and effects that shall come to their hands.

Substitute for Section 10.

That every railroad company, which has been chartered in this State, the entire length of whose road is less than three hundred miles, shall previous to the first day of January, 1860, designate the termini of said road, where the same are not fixed in their charters, and the counties through which their road shall pass, following the direction and touching the points established in their charters ; and they shall also designate, as near as practicable, the points at which said road shall cross the rivers over which they will pass between said termini. And where any such road is of greater length than three hundred miles, the designation of its said route and crossings, as above required, shall be made for the additional distance of one hundred miles annually, after said first day of January, 1860 : *Provided*, that such railroad companies as shall be hereafter incorporated, shall make the designation of their termini, route and crossings, for the first three hundred miles, within two years after the date of their act of incorporation, and one hundred miles annually thereafter, unless it is

otherwise provided in their charter ; and each of said companies, so designating their termini, route and crossings, shall immediately report the same to the General Land Office of this State, under the seal of said company. *Provided, further,* that whenever any Railroad company shall have designated the route, or line of their road, and thereby secured any reservation of public land under the laws of this State, and said company shall hereafter change said route or line, such change shall in no case authorize the said company to alter, or in any wise change the reservation already secured, or by such alteration or change to secure a reservation on the line or route so newly designated.

Mr. Graham offered the following resolution :

Resolved, That in the resolution ordering the committee on Printing to arrange with the like committee of the House of Representatives, for the publication of the resolutions of both Houses, and the proceedings of the Supreme Court, upon the death of General Hamilton, it was the intention of the Senate to have one thousand copies for the use of the Senate, the House of Representatives to have what number it might require, and that the Governor's message upon the same subject be printed with said resolutions.

By leave, Mr. Stockdale presented the petition of Menan Mills ; referred to the committee on Private Land Claims.

By leave, Mr. Taylor of Fannin presented the petition of Samuel Storey, senior ; referred to the committee on Private Land Claims.

ORDERS OF THE DAY.

The amendment offered by Mr. Stockdale to the bill to provide for an Agricultural and Geological Survey of the State, which was under consideration on yesterday when the Senate adjourned, was adopted.

On motion of Mr. Stockdale, the bill was further amended by adding to section 3d the following :

"That in making any survey upon the frontier the Governor or said State Geologist, is authorized to request the co-operation of any scientific corps of the United States army or navy, and an escort of United States troops."

Mr Taylor of Cass moved to amend the bill by striking out "\$3,000," as the salary of the State Geologist, and inserting in lieu thereof, "\$2,500."

Lost by the following vote :

YEAS—Messrs. Burroughs, Caldwell, Erath, Grimes, Herbert, Lott, Martin, Pirkey, Russell, Taylor of Cass, Truitt, Walker and Wren—13.

NAYS—Messrs. Britton, Fall, Graham, Guinn, Hyde, Maverick, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston, Throckmorton, and Wigfall—15

The bill was then ordered to be engrossed.

A joint resolution recognizing the rank of Captain John G. Tod, late Texas Navy, &c., was read first time.

On motion of Mr. Potter the rule was suspended, joint resolution read second time and passed to a third reading ; rule further suspended, bill read third time and passed.

A bill to locate permanently the seat of justice in Angelina county, was read a third time and passed.

A bill for the relief of Wm. H. Ray was read and ordered to be engrossed.

On motion of Mr. Lott, the rule was suspended, bill read a third time and passed.

The report of the committee on the Judiciary, on a bill to secure the right of redemption in lands sold under execution, recommending its rejection, was read and adopted.

A bill to legalize the location of the county site of Live Oak county, was read second time and ordered to be engrossed.

A bill to extend the time for locating and returning to the General Land Office certificate No. 70, issued to the Buffalo Bayou, Brazos and Colorado Railroad Company, was read second time.

On motion of Mr. Martin, the bill was amended by adding to section 1 :

“Also numbers 224, 230, 231, 241, 242, 248, 249, 250, 251, 252, 254, 256 and 257, granted to said Railway company, April 1st., 1857.

And the caption was amended by adding : “And other certificates hereinafter mentioned.”

The bill was then ordered to be engrossed.

On motion of Mr. Martin, the rule was suspended, bill read a third time and passed.

A bill for the relief of James Starritt, with the report of the committee on Private Land Claims offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

On motion of Mr. Throckmorton, the rule was suspended, bill read a third time and passed.

A House bill authorizing the Commissioner of the General Land Office to issue a duplicate certificate to Levi Korn, on certain conditions, was read first and second times and referred to the committee on Private Land Claims.

On motion of Mr. Wigfall, the Senate adjourned until Monday morning at 10 o'clock.

MONDAY, NOV. 30, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Taylor of Houston, presented the petition of David Stilts, referred to the joint committee on the report of the Commissioner of Claims.

Mr. Potter presented the petition of the Galveston Dry Dock Company ; referred to the committee on Public Lands.

Mr. Pirkey, chairman of the committee on Public Lands, made the following report :

The committee on Public Lands have considered the petition of A. J. Coupland. The petitioner was the purchaser of 416 acres of land, a part of a two-third league survey, which was patented. That purchase conflicted with an older claim of one-third of a league, which the petitioner thought proper to purchase ; he now asks for a certificate for the amount of said conflict, to which your committee think he is entitled, and therefore instruct me to report the accompanying bill and recommend its passage.

A bill for the relief of A. J. Coupland, read first time.

On motion of Mr. Guinn the rule was suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Russell Chairman of the committee on Engrossed bills, reported the following bills correctly engrossed :

A bill for the relief of James Starritt.

A bill to legalize the location of the county site of Live Oak county.

A bill to provide for a Geological and Agricultural survey of the State.